



General Assembly

February Session, 2010

***Raised Bill No. 5319***

LCO No. 1574

\*01574\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING RECYCLING, CERTAIN SOLID WASTE  
MANAGEMENT REFORMS AND REQUIREMENTS FOR SOLID WASTE  
AND ASH RESIDUE FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 22a-241b of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 (a) (1) On or before February 1, 1988, the Commissioner of  
5 Environmental Protection shall adopt regulations in accordance with  
6 the provisions of chapter 54 designating items that are required to be  
7 recycled. On or before January 1, 2011, and every ten years thereafter,  
8 the commissioner shall review the adequacy of such regulations. The  
9 commissioner may designate other items as suitable for recycling and  
10 amend said regulations accordingly.

11 (2) On or before October 1, 2011, the Commissioner of  
12 Environmental Protection shall amend the regulations adopted under  
13 subdivision (1) of this subsection to expand the list of designated  
14 recyclable items to add (A) containers of three gallons or less made of

15 polyethylene terephthalate plastic and high-density polyethylene  
16 plastic, (B) boxboard, and (C) additional types of paper, including, but  
17 not limited to, magazines, residential high-grade white paper and  
18 colored ledger.

19 (b) Any designated recyclable item [designated for recycling  
20 pursuant to subsection (a) of this section] shall be recycled by a  
21 municipality within three months of the establishment of service to  
22 such municipality by a regional processing center or local processing  
23 system.

24 Sec. 2. (NEW) (*Effective October 1, 2010*) (a) Not later than July 1,  
25 2011, each municipality shall offer curbside or backyard collection of  
26 designated recyclable items to all residents and businesses for which  
27 such municipality provides municipal curbside or backyard collection  
28 of solid waste, except that the provisions of this section shall not apply  
29 to any municipality that the Commissioner of Environmental  
30 Protection determines recycles its solid waste in a percentage that  
31 exceeds the state-wide average for the amount of municipal solid  
32 waste recycled.

33 (b) For purposes of this section, "curbside or backyard collection"  
34 means the collection, by municipal collection services, of presorted  
35 designated recyclable items or solid waste left for such collection by  
36 residents and businesses in the front or rear of the property of such  
37 residents and on the property of businesses and "designated recyclable  
38 items" means the items designated for recycling by the Commissioner  
39 of Environmental Protection in accordance with subsection (a) of  
40 section 22a-241b of the general statutes, as amended by this act.

41 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) For purposes of this  
42 section:

43 (1) "Designated recyclable items" means the items designated by the  
44 Commissioner of Environmental Protection for recycling in accordance  
45 with subsection (a) of section 22a-241b of the general statutes, as

46 amended by this act;

47 (2) "Generated" means sold or given away at a common gathering  
48 venue; and

49 (3) "Common gathering venue" means any area or building, or  
50 portion thereof, that is open to the public during normal business  
51 hours, including, but not limited to, any (A) building that provides  
52 facilities or shelter for public assembly, (B) inn, hotel, motel, sports  
53 arena, supermarket, transportation terminal, retail store, restaurant or  
54 other commercial establishment that provides services or retails  
55 merchandise, or (C) museum, hospital, auditorium, movie theater or  
56 university building.

57 (b) Each property that has one or more common gathering venues  
58 where designated recyclable items may be generated while the public  
59 congregates at such venue and that provides for the collection of solid  
60 waste shall provide recycling receptacles for the collection of any  
61 designated recyclable items generated at such venue. Such recycling  
62 receptacles shall be as accessible to the public and at the same locations  
63 as trash receptacles. Any existing trash receptacle may be converted to  
64 a recycling receptacle by labeling or other means appropriate to  
65 identify that such receptacle is dedicated to the collection of designated  
66 recyclable items. If beverage containers of twenty-one ounces or less  
67 are offered for sale or given away at a common gathering venue, any  
68 such recycling receptacle at such venue shall, at a minimum, allow for  
69 the collection of such beverage containers.

70 Sec. 4. (*Effective from passage*) Not later than June 1, 2011, the  
71 Commissioner of Environmental Protection, in accordance with section  
72 11-4a of the general statutes, shall report to the joint standing  
73 committee of the General Assembly having cognizance of matters  
74 relating to the environment on the costs and benefits to the state,  
75 municipalities and waste generators of different methods of removing  
76 food waste from the waste stream. Additionally, such report shall  
77 identify incentives and guidance the state could provide in order to

78 develop the requisite composting facilities for the removal of such food  
79 waste from the waste stream.

80 Sec. 5. Section 22a-220a of the general statutes is repealed and the  
81 following is substituted in lieu thereof (*Effective from passage*):

82 (a) The legislative body of a municipality may designate the area  
83 where solid waste generated within its boundaries by residential,  
84 business, commercial or other establishments shall be disposed. The  
85 disposal of such solid waste at any other area is prohibited, except that  
86 a municipality may approve, in writing, disposal at another area,  
87 either within or outside the boundaries of such municipality, prior to  
88 disposal. A municipality may refuse to approve disposal at another  
89 area if such disposal would adversely affect its solid waste disposal  
90 program. The legislative body of a municipality may also designate  
91 where the following items generated within its boundaries from  
92 residential properties shall be taken for processing or sale: (1)  
93 Cardboard, (2) glass, food and beverage containers, (3) leaves, (4)  
94 metal food and beverage containers, (5) newspapers, (6) storage  
95 batteries, (7) waste oil, and (8) plastic food and beverage containers.  
96 The processing or sale of such items at any other area shall be  
97 prohibited, except that a municipality may approve, in writing,  
98 processing or sale elsewhere, either within or outside the boundaries of  
99 such municipality, prior to processing or sale. A municipality may  
100 refuse to approve processing or sale elsewhere if such processing or  
101 sale would adversely affect its recycling program. For purposes of  
102 sections 22a-208e, as amended by this act, 22a-208f, 22a-220, this  
103 section, sections 22a-220c, 22a-241b, as amended by this act, 22a-241e,  
104 and subsection (c) of section 22a-241g, residential property means real  
105 estate containing one or more dwelling units but shall not include  
106 hospitals, motels or hotels.

107 (b) The legislative body shall give not less than sixty days' notice of  
108 its intent to designate a disposal area for solid waste or to designate  
109 where the items generated from residential property listed in

110 subsection (a) of this section shall be taken for processing or sale to all  
111 collectors hauling solid waste or such items of the municipality. At the  
112 conclusion of such period, the legislative body shall cause notice of  
113 such designation to appear in a newspaper of general circulation in the  
114 municipality and shall conduct a public hearing thereon. Prior to  
115 designating where the items generated from residential property and  
116 listed in subsection (a) of this section shall be taken for sale or  
117 processing, the municipality shall consider the private recycling  
118 occurring within the municipality, the effects of its proposed  
119 designation on such recycling, and the policy set forth in subdivision  
120 (4) of section 22a-259.

121 (c) Except as provided in subsection (a) of this section, recyclable  
122 material, including but not limited to, glass, metal, paper, corrugated  
123 paper or plastic, may be removed or segregated at the source of  
124 generation or prior to disposal at the designated area and  
125 preseggregated recyclable material may be transported directly to  
126 facilities which accept and process recyclable material.

127 (d) Any collector hauling solid waste generated by residential,  
128 business, commercial or other establishments in a municipality shall  
129 register, annually, in such municipality and disclose: (1) The name and  
130 address of the collector, the owner of such collector, any principal  
131 partner in such collector and any manager or person who has policy or  
132 financial decision-making authority for such collector; (2) the name of  
133 any subsidiary of such collector; (3) the name of any other municipality  
134 or state in which such collector hauls such solid waste; (4) whether the  
135 hauling done by such collector is residential, commercial or other; (5)  
136 the type of wastes hauled; (6) the location of any disposal area for solid  
137 waste that such collector uses or intends to use in the next year; and (7)  
138 any additional information that such municipality requires to ensure  
139 the health and safety of its residents.

140 (e) The door of any private vehicle used to haul solid waste shall be  
141 clearly marked with the business name and address of the hauler.

142 (f) Any collector who dumps more than one cubic foot in volume of  
143 solid waste at one time in an area not designated for such disposal by a  
144 municipality pursuant to the provisions of this section or who  
145 knowingly mixes other solid waste with items designated for recycling  
146 pursuant to section 22a-241b, as amended by this act, or pursuant to  
147 municipal ordinance shall for a first violation be liable for a civil  
148 penalty of not more than two thousand five hundred dollars for each  
149 violation and not more than ten thousand dollars for a subsequent  
150 violation. Any municipality or the Attorney General, at the request of  
151 the commissioner, may bring an action under this section. All such  
152 actions shall have precedence in the order of trial as provided in  
153 section 52-191. Any such action by the Attorney General shall be  
154 brought in the superior court for the judicial district of Hartford.

155 (g) As used in this section, "collector" means any person who holds  
156 himself out for hire to collect solid waste from residential, business,  
157 commercial or other establishments.

158 (h) The legislative body of a municipality may prohibit the  
159 scavenging of solid waste.

160 (i) Any person, other than a collector, who: (1) Dumps more than  
161 one cubic foot in volume of solid waste at one time in a solid waste or  
162 refuse collection container without the authorization of the owner of  
163 such container or (2) dumps any material into a recycling collection  
164 container used to collect another type of material for purposes of  
165 disposal by a collector shall be guilty of an infraction as provided for in  
166 chapter 881b. Any owner or lessor of a solid waste or refuse collection  
167 container may post signs on or near such container which indicate the  
168 penalties provided for in this section for unauthorized disposal of  
169 waste in such container. Any municipal police officer may issue a  
170 summons for the commission of an infraction for any violation of this  
171 subsection.

172 (j) On or before January 15, 2011, and each year thereafter, each  
173 municipality shall provide a list of registered collectors and any

174 information supplied by such collector pursuant to subsection (d) of  
175 this section to the Commissioner of Environmental Protection in such  
176 format as the commissioner prescribes. Not more than ninety days  
177 after receipt of such information, the Commissioner of Environmental  
178 Protection shall post such information on the Department of  
179 Environmental Protection's web site. Any municipality that fails to  
180 provide such information to the commissioner in a timely manner shall  
181 be ineligible for the flexible recycling program pursuant to this  
182 chapter.

183       Sec. 6. Section 22a-208e of the general statutes is repealed and the  
184 following is substituted in lieu thereof (*Effective from passage*):

185       (a) The owner or operator of each resources recovery facility and  
186 each solid waste disposal area shall submit a report to the  
187 Commissioner of Environmental Protection quarterly with respect to  
188 the calendar quarter beginning on October 1, 1989, and each calendar  
189 quarter thereafter, on or before the last day of the month immediately  
190 following the end of each quarter. Such report shall be on a form  
191 prescribed by the commissioner and shall provide such information  
192 the commissioner deems necessary, including but not limited to, the  
193 amount of solid waste, by weight or other method acceptable to the  
194 commissioner, received from each municipal or other customer. Such  
195 report shall also include for each Connecticut municipality the total  
196 amount of solid waste originating therefrom. The owner or operator  
197 shall submit to each such municipality a copy of all such information  
198 pertaining to the municipality. If precise data are not available, the  
199 owner or operator may use a method of estimating acceptable to the  
200 commissioner.

201       (b) For each load of waste that weighs one ton or more, the  
202 commissioner shall require the owner or operator of any solid waste  
203 facility that receives such load of waste to report to the commissioner  
204 the name and address of the applicable solid waste collector for such  
205 load of waste. The commissioner may require the owner or operator of

206 any other solid waste facility and, consistent with the requirements of  
207 subsection (c) of this section and section 22a-208f, the owner or  
208 operator of any recycling facility to report the information specified in  
209 subsection (a) in the manner set forth in said subsection. Such  
210 requirement shall be made by written notification to the owner or  
211 operator of the facility.

212 (c) The owner or operator of any recycling facility which receives for  
213 processing or sale the following items generated from within the  
214 boundaries of a Connecticut municipality: (1) Cardboard, (2) glass,  
215 food and beverage containers, (3) leaves, (4) metal food and beverage  
216 containers, (5) newspapers, (6) storage batteries, (7) waste oil, (8)  
217 plastic food and beverage containers, and (9) office paper, shall report  
218 for each such item the information specified in subsection (a) of this  
219 section in the manner set forth in said subsection. If a municipality or  
220 collector of recyclable items delivers any of the items listed in this  
221 subsection to a recycling facility which is not located in this state, such  
222 municipality or collector shall notify the commissioner of the name  
223 and address of the owner or operator of such facility and shall ensure,  
224 by contract, that such facility has notice of and complies with the  
225 reporting requirements of this section. As used in this section, "office  
226 paper" means used or discarded white or manila paper including, but  
227 not limited to, paper utilized for file folders, tab cards, writing, typing,  
228 printing, computer printing and photocopying, which paper is suitable  
229 for recycling, but does not mean office paper generated by households.

230 Sec. 7. Subsection (a) of section 16-50k of the general statutes is  
231 repealed and the following is substituted in lieu thereof (*Effective from*  
232 *passage*):

233 (a) Except as provided in subsection (b) of section 16-50z, no person  
234 shall exercise any right of eminent domain in contemplation of,  
235 commence the preparation of the site for, commence the construction  
236 or supplying of a facility, or commence any modification of a facility,  
237 that may, as determined by the council, have a substantial adverse



238 environmental effect in the state without having first obtained a  
 239 certificate of environmental compatibility and public need, hereinafter  
 240 referred to as a "certificate", issued with respect to such facility or  
 241 modification by the council. Certificates shall not be required for (1)  
 242 fuel cells built within the state with a generating capacity of two  
 243 hundred fifty kilowatts or less, [or] (2) fuel cells built out of state with  
 244 a generating capacity of ten kilowatts or less, (3) a solid waste facility  
 245 or resources recovery facility, both as defined in section 22a-207, or (4)  
 246 an ash residue disposal area, as described in section 22a-285a. Any  
 247 facility with respect to which a certificate is required shall thereafter be  
 248 built, maintained and operated in conformity with such certificate and  
 249 any terms, limitations or conditions contained therein.  
 250 Notwithstanding the provisions of this chapter or title 16a, the council  
 251 shall, in the exercise of its jurisdiction over the siting of generating  
 252 facilities, approve by declaratory ruling (A) the construction of a  
 253 facility solely for the purpose of generating electricity, other than an  
 254 electric generating facility that uses nuclear materials or coal as fuel, at  
 255 a site where an electric generating facility operated prior to July 1,  
 256 2004, (B) the construction or location of any fuel cell, unless the council  
 257 finds a substantial adverse environmental effect, or of any customer-  
 258 side distributed resources project or facility or grid-side distributed  
 259 resources project or facility with a capacity of not more than sixty-five  
 260 megawatts, as long as such project meets air and water quality  
 261 standards of the Department of Environmental Protection, and (C) the  
 262 siting of temporary generation solicited by the Department of Public  
 263 Utility Control pursuant to section 16-19ss.

264       Sec. 8. (*Effective from passage*) The Commissioner of Environmental  
 265 Protection, in consultation with the Connecticut Academy of Science  
 266 and Engineering, shall study the potential beneficial use of ash residue.  
 267 Not later than January 1, 2011, the commissioner, in accordance with  
 268 the provisions of section 11-4a of the general statutes, shall submit a  
 269 report to the joint standing committee of the General Assembly having  
 270 cognizance of matters relating to the environment concerning the  
 271 results of such study.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	22a-241b(a) and (b)
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	22a-220a
Sec. 6	<i>from passage</i>	22a-208e
Sec. 7	<i>from passage</i>	16-50k(a)
Sec. 8	<i>from passage</i>	New section

***Statement of Purpose:***

To increase recycling, expand certain solid waste management disclosure requirements and facilitate the development of certain solid waste and ash residue facilities.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*